

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIBERTY MUTUAL FIRE INSURANCE)	
COMPANY)	
)	Case No. 16-CV-11413
Plaintiff,)	
-vs-)	Honorable Gary Feinerman
)	
R & D BUS COMPANY)	Magistrate Judge Mary M. Rowland
)	
Defendant.)	

INITIAL STATUS REPORT

NOW COMES the Plaintiff, Liberty Mutual Fire Insurance Company (“Liberty Mutual”), by and through its attorney, James T. Barnes, Esq., and for its Initial Status Report, the Plaintiff respectfully states as follows:

I. Forward

Plaintiff Liberty Mutual filed its Complaint on December 16th. Defendant R & D Bus Company (“R & D”) retained counsel and filed appearances (though no Answer) on January 30th. On January 31st, counsel for the Plaintiff contacted counsel for the Defendant and advised of the upcoming Status Hearing and the need to coordinate the preparation of this Status Report. Counsel for the Defendant advised that he expected this case to either settle or to result in an offer of judgment.

After the phone call of January 31st, counsel for the Plaintiff provided a draft Status Report for Defendant’s review. However, counsel for the Defendant has not provided any input on the Status Report, and has not returned Plaintiff’s repeated telephone calls to discuss same.

Consequently, the Plaintiff submits this document without the Defendant’s input.

II. Status Report

A. Nature of the Case

1. Attorneys of record, and lead trial counsel, for each party.

For Plaintiff Liberty Mutual

James T. Barnes, Esq. (lead)
John C. Schmadeke, Esq.
Barnes, P.C.
431 South Dearborn Street
Suite 506
Chicago, IL 60605

For Defendant R & D

Douglas K. Morrison, Esq. (lead)
Ann M. Erickson, Esq.
Morrison & Mix
120 North LaSalle Street
Suite 2750
Chicago, IL 60602

2. Basis for federal jurisdiction.

The jurisdictional basis for this action is Title 28 U.S.C. §1332(a), as there is diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.

3. Nature of the claim(s) and any counterclaim(s), including the amount of damages and other relief sought.

At issue are premiums due and owing under a Business Auto insurance policy issued by Liberty Mutual to R & D. Liberty Mutual has filed suit alleging that R & D breached the terms and conditions of the insurance contract by failing to pay the required insurance premiums. Liberty Mutual has alleged premiums are presently due and owing in the amount of \$500,518.00. In addition, Liberty Mutual seeks recovery of statutory interest pursuant to 815 ILCS § 205/2.

4. Whether the defendant will answer the complaint or, alternatively, whether the defendant will otherwise plead to the complaint.

Unknown. The Defendant has filed Appearances, but the Defendant has not Answered or otherwise Pled.

5. Principal legal and factual issues.

The principal issues in this case are whether or not R & D has breached its insurance contract with Liberty Mutual by failing to pay the insurance premiums due and owing in the amount of \$500,518.00.

6. Which defendants have been served with process, which defendants have not been served, and the status of efforts to effect service on the unserved defendants.

The sole Defendant in this case, R & D, was served on December 20, 2016.

B. Proceedings to Date

1. Summary of all substantive rulings (including discovery rulings) to date.
None.
2. Description of all pending motions, including date of filing and briefing schedule.
None.

C. Discovery and Case Plan

1. Summary of discovery, formal and informal, that has already occurred.
Discovery has not yet commenced in this case.
2. Whether discovery will encompass electronically stored information, and the parties' plan to ensure that such discovery proceeds appropriately.
It is not yet known whether this case will involve any electronically stored information.
3. Proposed Scheduling order.
 - a. Deadline for Rule 26(a)(1) disclosures, or why Rule 26(a)(1) disclosures are not appropriate.
Unknown if needed, as Defendant is not disputing Complaint. If needed, March 1, 2017.
 - b. Deadline for issuing written discovery requests.
Unknown if needed, as Defendant is not disputing Complaint. If needed, March 15, 2017.
 - c. Deadline for completing fact discovery.
Unknown if needed, as Defendant is not disputing Complaint. If needed, August 15, 2017.

- d. Whether discovery should proceed in phases.

Unknown if needed, as Defendant is not disputing Complaint. If needed, No.

- e. Whether expert discovery is contemplated and, if so, deadlines for Rule 26(a)(2) disclosures and expert depositions.

Unknown if needed, as Defendant is not disputing Complaint. If needed, at present expert discovery is not expected.

- f. Deadline for amending the pleadings and bringing in other parties.

Unknown if needed, as Defendant is not disputing Complaint. If needed, August 31, 2017

- g. Deadline for filing dispositive motions.

Unknown if needed, as Defendant is not disputing Complaint. If needed, September 30, 2017

4. Whether there has been a jury demand.

There has not been a jury demand in this case.

5. Estimated length of trial.

Trial is expected to last 1-2 days.

D. Settlement

1. Describe settlement discussions to date and whether those discussions remain ongoing.

The Parties have not yet had any settlement discussions.

2. Whether the parties request a settlement conference.

Plaintiff would be agreeable to a settlement conference.

E. Magistrate Judge

1. Whether the parties consent to proceed before a magistrate judge for all purposes.

At present, Plaintiff does not consent to proceed before a magistrate judge.

2. Any particular matters that already have been referred to the magistrate judge, and the status of those proceedings.

None.

Respectfully submitted,

LIBERTY MUTUAL FIRE INSURANCE
COMPANY

By: s/ James T. Barnes
One of its attorneys

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CERTIFICATE OF SERVICE

I, James T. Barnes, an attorney, hereby certify that Plaintiff's Initial Status Report was served by electronic service to all counsel of record registered to use Electronic Case Filing in this district, this 14th day of February, 2017.

s/ James T. Barnes
James T. Barnes, Esq.